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20 Attorneys for Defendant
CHARTER COMMUNICATIONS, LLC

21 **UNITED STATES DISTRICT COURT**
22 **DISTRICT OF NEVADA**

23 BENJAMIN BEKKER,
24 Plaintiff,

25 vs.

26 CHARTER COMMUNICATIONS
27 LLC,

28 Defendant.

Case No. 3:17-CV-00202-HDM-
VPC

**STIPULATED DISCOVERY
PLAN AND SCHEDULING
ORDER**

**SUBMITTED IN COMPLIANCE
WITH L.R. 26-1(b)**

STIPULATED DISCOVERY
PLAN AND SCHEDULING ORDER
3:17-CV-00202-HDM-VPC

1 In accordance with the Local Rule 26-1 and Federal Rule of Civil Procedure
2 26(f), Plaintiff Benjamin Bekker (“Plaintiff”) and Defendant Charter
3 Communications LLC (“Charter”) (Plaintiff and Charter, collectively, the
4 “Parties”) respectfully submit to the Court the following Stipulated Discovery Plan
5 and Scheduling Order.

6 I. **DISCOVERY PLAN PURSUANT TO FED. R. CIV. P. 26(F) AND**
7 **LOCAL RULE 26-1(B)**

8 A. **Rule 26(f)(3)(A): What changes should be made in the timing,**
9 **form, or requirement for disclosures under Rule 26(a), including a**
10 **statement as to when disclosures under subdivision (a)(1) were**
11 **made or will be made.**

12 The Parties agree to make the requisite initial disclosures under Federal Rule
13 of Civil Procedure Rule 26(a) at or within fourteen (14) days following the Rule
14 26(f) conference. The Rule 26(f) occurred on May 26, 2016, and The Parties intend
15 to make their initial disclosures no later than June 9, 2016.

16 B. **Rule 26(f)(3)(B): The subjects on which discovery may be needed,**
17 **when discovery should be completed, and whether discovery**
18 **should be conducted in phases or be limited to or focused upon**
19 **particular issues.**

20 Charter will serve document requests, interrogatories, and requests for
21 admissions on Plaintiff, take Plaintiff’s deposition, the depositions of any experts
22 designated by Plaintiff, and the depositions of Plaintiff’s treating physicians.
23 Charter reserves the right to conduct any additional discovery necessary to defend
24 itself in this action. The subjects on which discovery may be needed include: the
25 facts and circumstances around Charter’s termination of Plaintiff’s employment,
26 Plaintiff’s alleged complaints that he sought a leave of absence under the Family
27 and Medical Leave Act and it was denied, the facts and circumstances surrounding
28 the alleged retaliatory termination against Plaintiff, Plaintiff’s alleged damages, and
Plaintiff’s efforts at mitigation of any alleged damages.

1 Bekker will serve document requests, interrogatories, and requests for
2 admissions on the Defendants, take depositions of Charter's employees and
3 management involved in this matter, and take the depositions of any experts
4 designated by Defendants. Bekker reserves the right to conduct any additional
5 discovery necessary to prosecute this action. The subjects on which discovery may
6 be needed include but are not limited to: the facts and circumstances surrounding
7 Charter's unlawful delay and/or denial of Bekker's Family Medical Leave Act
8 leave request, termination of Plaintiff's employment, and investigation into any
9 defenses raised by Charter, as well as any other discovery relevant to any additional
10 claims and/or defenses added in this matter via amendment of the pleadings.

11 C. **Local Rule 26-1(b)(1): Discovery Cut-Off Date**

12 Charter first appeared in the case on May 8, 2017, which is when it filed its
13 Answer with the Court. Under Local Rule 26-1(b)(1), the discovery cut-off date
14 would be November 6, 2017, which is one hundred eighty (180) days after Charter
15 first appeared.¹

16 D. **Local Rule 26-1(b)(2): Amending the Pleadings and Adding
17 Parties**

18 Pursuant to Local Rule 26-1(b)(2), the last date for filing a motion to amend
19 the pleadings is August 8, 2017, or ninety (90) days before the discovery cut-off
date.²

20 E. **Local Rule 26-1(b)(3): Disclosures (Experts)**

21 Pursuant to Local Rule 26-1(b)(3), disclosures concerning experts are to be
22 made by September 7, 2017, or sixty (60) days before the discovery cut-off date
23 and disclosures respecting rebuttal experts be made by October 9, 2017, or thirty
24 (30) days after the initial disclosures of experts.

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¹ One hundred eighty days after Monday, May 8, 2017 is Saturday, November 4, 2017. Pursuant to Fed.
28 R. Civ. P. 6(a), the deadline is continued to Monday, November 6, 2017.

1 **F. Local Rule 26-1(b)(4): Dispositive Motions**

2 Pursuant to Local Rule 26-1(b)(3), the Parties must file any dispositive
3 motions by December 6, 2017, or thirty (30) days after the discovery cut-off date.

4 **G. Local Rule 26-1(b)(5): Pretrial Order**

5 Pursuant to Local Rule 26-1(b)(5), the Parties must file their joint pretrial
6 order by January 5, 2018, or thirty (30) days after the date set for filing dispositive
7 motions. However, if any dispositive motions are filed, the date for filing the joint
8 pretrial shall be suspended until thirty (30) days after the decision on the dispositive
9 motions.

10 **H. Local Rule 26-1(b)(7): Alternative Dispute Resolution**

11 The Parties have meet and conferred regarding the use of alternative dispute
12 resolution processes and will participate in early neutral evaluation on July 25,
13 2017. If the matter does not resolve at that time, the Parties will meet and confer
14 regarding additional dispute resolution as this matter progresses.

15 **I. Local Rule 26-1(b)(8): Alternative Terms of Case Disposition**

16 The Parties have considered consent to that by a Magistrate Judge under 28
17 U.S.C. §636 and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General
18 Order 2013-01) and have agreed to proceed with the assigned judge in this matter.

19 **J. Rule 26(f)(3)(C): Any issues relating to disclosure or discovery of
20 electronically stored information, including the form or forms in
which it should be produced.**

21 The Parties do not anticipate any issues relating to disclosure or discovery of
22 electronically stored information. They agree timely to meet and confer and
23 address any such issues in the event they arise.

24 **K. Rule 26(f)(3)(D): Any issues relating to claims of privilege or of
25 protection as to trial-preparation material, including – if the
parties agree on a procedure to assert such claims after production
– whether to ask the court to include their agreement in an order.**

26 The Parties will execute a protective order, if necessary, to protect
27 confidential documents produced and/or subpoenaed from third parties. The Parties
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1 do not anticipate any issues relating to claims of privilege or of protection as to
2 trial-preparation material. They agree timely to meet and confer and address any
3 such issues in the event they arise.

L. Rule 26(f)(3)(E): What changes should be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Rules, and what other limitations should be imposed.

The Parties agree that the number of depositions, interrogatories, and requests for admission will be governed by the Federal Rules of Civil Procedure, as well as the length of depositions unless the Parties stipulate otherwise or are otherwise ordered by the Court based on a showing of good cause.

M. Rule 26(f)(3)(F): Any other orders that should be entered by the court under Rule 26(c) or under Rule 16(b) and (c).

Except as otherwise specified herein, the Parties do not request any other orders that should be entered by the Court under Rule 26(c), Rule 16(b), or Rule 16(c).

N. Local Rule 26-1(b)(9): Electronic Evidence

The Parties have met and conferred regarding the presentation of evidence in an electronic format to jurors for the purposes of jury deliberations. The Parties have agreed to timely meet and confer in the event that either party intends to use electronic evidence. In the event that any party does, the parties will advise the court and consult the court administrator.

CERTIFICATION

Pursuant to LR 26-1(b)(7), the Parties certify that they met and conferred about the possibility of using alternative dispute resolution processes including mediation, arbitration, and if applicable, early neutral evaluation. Early neutral evaluation is set for July 25, 2017.

Pursuant to LR 26-3, the Parties have considered consent to trial by a magistrate judge, use of the Short Trial Program, and the use of alternative dispute resolution processes.

Dated: May 26, 2017

LAW OFFICES OF TERRI KEYSER-COOPER

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Terri Keyser-Cooper
Attorneys for Plaintiff
BENJAMIN BEKKER

Dated: May 26, 2017

LUKE ANDREW BUSBY, LTD.

By /s/ Luke Andrew Busby
Luke Andrew Busby
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BENJAMIN BEKKER

Dated: May 26, 2017

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CHARTER COMMUNICATIONS, LLC

ORDER IT IS SO ORDERED

Hon. Valerie P. Cooke
U.S. Magistrate Judge

DATED: June 2, 2011